

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

MICHAEL KEITH APGAR,

Plaintiff,

-against-

6:20-CV-1302 (LEK/DEP)

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on April 25, 2022, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Dkt. No. 18.

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b). If no objections are made, a district court need review that aspect of a report-recommendation only for clear error. Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013). Clear error "is present when upon review of the entire record, the court is left with the definite and firm conviction that a mistake has been committed." Rivera v. Federal Bureau of Prisons, 368 F.Supp.3d 741, 744 (S.D.N.Y. 2019). No objections have been raised in the allotted time with respect to the Report-Recommendation. After carefully examining the record, the Court has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

Accordingly, it is hereby:


**ORDERED**, that the Report-Recommendation, Dkt. No. 18, is **APPROVED and ADOPTED** in its entirety; and it is further

**ORDERED**, that the case is **REMANDED** to the Commissioner for further proceedings consistent with the Report-Recommendation, Dkt. No. 18; and it is further

**ORDERED**, that the Clerk serve a copy of this Memorandum-Decision and Order on all parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: September 13, 2022  
Albany, New York



LAWRENCE E. KAHN  
United States District Judge